REMARKS

The Official Action dated December 27, 2007 has been received and its contents carefully noted. In view thereof, claims 1, 25 and 26 have been amended; claims 7 and 32 have been canceled. Support for the aforementioned amendments is found, at least, in paragraph [0063] of U.S. Patent Publication No. 2004/0210508. Accordingly, claims 1-48 are presently pending in the application. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

Claims 3 and 28 were rejected under 35 U.S.C. § 112, second paragraph for lack of antecedent basis for the term "ECN." Without conceding the propriety of the rejection, the specification has been amended to recite "Electronic Communication Network (ECN)," and thus, sufficient antecedent basis is provided for the claimed term "ECN". Accordingly, withdrawal of the rejection is respectfully requested.

Claims 1-48 are were rejected under 35 U.S.C. §103(a) as being unpatentable over Lozman (U.S. 5,689,651) in view of Broka (U.S. 5,809,483). Lozman and Broka, however, fail to render the claimed invention unpatentable. Each of the claims recite a specific combination of features that distinguishes the invention from the prior art in different ways. For example, independent claim 1 recites a combination that includes, among other things:

> "*[a] processor-implemented method of filtering market data . . . comprising . . . filtering the received market data in accordance with the set of filter criteria to determine in real-time, whether trading of the at least one listing has been suspended or resumed at the specific market place . . . providing, in real-time, the status information indicating whether trading of the at least one listing has been suspended or resumed at the specific market place, wherein the set of filter criteria is selectively operable to filter at least one of the market data to determine a data field of the market data to be filtered and the market data to determine whether the at least one listing of the plurality of listings is representative for an index at the specific market place.*"

Independent claim 25 recites yet another combination that includes, *inter alia,*

> "*[a] computer-readable medium comprising . . . filtering the received market data in accordance with the set of filter criteria to determine in real-time, whether trading of the at least one listing has been suspended or resumed at the specific market place . . . providing, in real-time, the status information indicating whether trading of the at least one listing has been suspended or resumed at the specific market place, wherein the set of filter criteria is selectively operable to filter at least one of the market data to determine a data field of the market data to be filtered and the market data to determine whether the at least one listing of the plurality of listings is representative for an index at the specific market place.*"

Independent claim 26 recites a further combination that includes, for instance,

> "*[a] computer system for filtering market data generated at a market place to provide real-time trading status information, the computer system comprising . . . a processor adapted to filter the received market data in accordance with the stored set of filter criteria to determine in real-time, whether trading of the at least one listing has been suspended or resumed at the specific market place . . . an output unit for providing, in real-time, the status information indicating whether trading of the at least one listing has been suspended or resumed at the specific market place, wherein the set of filter criteria is selectively operable to filter at least one of the market data to determine a data field of the market data to be filtered and the market data to determine whether the at least one listing of the plurality of listings is representative for an index at the specific market place.*"

At the very least, the applied references, whether taken alone or in combination, fail to disclose or suggest any of these exemplary features recited in independent claims 1, 25, and 26.

The Examiner has failed to establish a *prima facie* case of obviousness for at least four reasons. First, the Examiner has not demonstrated how Lozman and Broka, whether taken alone or in combination, disclose or suggest each and every feature recited in the claims. *See* M.P.E.P. § 2143 (7th ed. 1998). Second, the Examiner has not shown the existence of any reasonable probability of success in modifying Lozman, the base reference, based on the teachings of Broka, the secondary references, in a manner that could somehow

result in the claimed invention. *See id.* Third, the Examiner has not identified any suggestion

or motivation, either in the teachings of the applied references themselves or in the

knowledge generally available to one of ordinary skill in the art, to modify the apparatus of

Lozman in a manner that could somehow result in the claimed invention. *See id.* Finally, the

Examiner has not explained how his obviousness rationale could be found in the prior art —

rather than being a hindsight reconstruction of Applicants' own disclosure. *See id.*

Each of the Examiner's factual conclusions must be supported by "substantial

evidence" in the documentary record, as required by the Federal Circuit. *See In re Lee*, 61

U.S.P.Q.2d 1430, 1435 (Fed. Cir. 2002). The Examiner has the burden of documenting all

findings of fact necessary to support a conclusion of anticipation or obviousness "less the

'haze of so-called expertise' acquire insulation from accountability." *Id.* To satisfy this

burden, the Examiner must specifically identify where support is found within the prior art to

meet the requirements of 35 U.S.C. §§ 102(b) and 103. In this case, however, the Examiner

has failed to satisfy his burden of demonstrating how Lozman, taken alone or in combination

with Broka, can either anticipate or render obvious each and every one of the limitations

present in independent claims 1, 25, and 26, as required by the M.P.E.P. and Federal Circuit

jurisprudence.

Lozman discloses a system for processing and displaying financial market data

corresponding to user selected primary and secondary symbols having a programmable

computer with a display. The Examiner purports that Lozman discloses many of the claimed

features, however, at least some of the Examiner's assertions are unfounded. For example,

on page 9 of the current Office Action, the Examiner states that a filter criteria for filtering

the market data to determine a data field of the market data to be filtered is disclosed by

Lozman at column 2, lines 43-47. However, upon further review of the entire disclosure of Lozman, no such description is provided as alleged by the Examiner.

The Examiner attempts to remedy the deficiencies of Lozman by turning to the disclosure of Broka. However, Broka does not disclose or fairly suggest, *inter alia*, filter criteria being selectively operable to filter at least one of the market data to determine a data field of the market data to be filtered and filter the market data to determine whether the at least one listing of the plurality of listings is representative for an index at the specific market place as recited by the claims.

In accordance with the M.P.E.P. § 2143.03, to establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 196 (CCPA 1970). Therefore, it is respectfully submitted that neither Lozman nor Broka., taken alone or in any proper combination, discloses or suggests the subject matter as recited in claims 1, 25 and 26. Hence, withdrawal of the rejection is respectfully requested.

Each of the dependent claims depend from one of independent claims 1, 25 or 26 and are patentable over the cited prior art for at least the same reasons as set forth above with respect to claims 1, 25, and 26.

In addition, each of the dependent claims also recites combinations that are separately patentable.

In view of the foregoing remarks, this claimed invention, as amended, is not rendered obvious in view of the prior art references cited against this application. Applicant therefore

requests the entry of this response, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

In discussing the specification, claims, and drawings in this response, it is to be understood that Applicant in no way intends to limit the scope of the claims to any exemplary embodiments described in the specification and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned patent agent at (202) 585-8316.

Respectfully submitted,

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